

DHMH 434
ASSURANCE OF COMPLIANCE WITH THE DEPARTMENT OF
HEALTH, AND HUMAN SERVICES REGULATION UNDER
TITLE VI OF THE CIVIL RIGHTS ACT OF 1964
AND SECTION 503 AND 504 OF THE REHABILITATION ACT OF 1973,
AS AMENDED

As a condition necessary to the award of State and/or Federal funds, _____
_____ (hereinafter called the Applicant).

HEREBY AGREES THAT it will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), their amendments and all requirements imposed by or pursuant to the Regulations of the Department of Health and Human Services issued pursuant to these Acts (45 C.F.R. Parts 80 and 84), to the end that no person in the United States and/or State of Maryland shall on the grounds of race, color, national origin, or handicapped status, be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any program or activity provided by an applicant that receives Federal and/or State financial assistance from the State of Maryland, Department of Health and Mental Hygiene; and HEREBY GIVES ASSURANCE THAT it will immediately take any measures necessary to effectuate this agreement.

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color or national origin in any program or activity receiving federal financial assistance [42 U.S.C. 2000 (d)] (Discrimination on the basis of sex is addressed by a different law.) It does not extend to employment practices unless providing employment is a primary objective of the federal assistance, but relates to the provision of services in a non-discriminatory manner. Each state agency administering a continuing program that receives federal financial assistance is required to establish a Title VI compliance program for itself and its subrecipients (20 CFR Sec. 42.410).

In addition, the Applicant agrees that there will be no discrimination in any phase of employment practices, policies or procedures on the basis of race, religion, age, sex, political affiliation or handicap.

Section 503 of the Rehabilitation Act of 1973, as amended: requires federal contractors and subcontractors to take affirmative action to employ and advance in employment qualified disabled people (as opposed to the nondiscrimination of Section 504). An affirmative action program must be prepared and maintained by all contractors with 50 or more employees and one or more federal contracts of \$50,000 or more.

In addition, Section 503 of the Rehabilitation Act of 1973 requires the following clauses in all contracts and subcontracts involving federal funds of \$10,000 or more. The required clauses are:

- a) The contractor will not discriminate against any employee or applicant for employment because of physical or mental handicap in regard to any position for which the employee or applicant for employment is qualified. The contractor agrees to take affirmative action to employ, advance in

employment and otherwise treat qualified handicapped individuals without discrimination based upon their physical or mental handicap in all employment practices such as the following: employment, upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

- b) The contractor agrees to comply with the rules, regulations, and relevant orders of the secretary of labor issued pursuant to the act.
- c) In the event of the contractor's non-compliance with the requirements of this clause, actions for non-compliance may be taken in accordance with the rules, regulations and relevant orders of the secretary of labor issued pursuant to the act.
- d) The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the director, provided by or through the contracting office. Such notices shall state the contractor's obligation under the law to take affirmative action to employ and advance in employment qualified handicapped employees and applicants for employment, and the rights of applicants and employees.
- e) The contractor will notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract understanding, that the contractor is bound by the terms of Section 503 of the Rehabilitation of 1973, and is committed to take affirmative action to employ and advance in employment physically and mentally handicapped individuals.
- f) The contractor will include the provisions of this clause in every subcontract or purchase order to \$10,000 or more of federal funding unless exempted by rules, regulations, or orders of the (federal) secretary issued pursuant to section 503 of the Act, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract purchase order as the director of the Office of Federal Contract Compliance Programs may direct to enforce such provisions, including action for non-compliance (41 CFR 60-741.4.4)

Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. Sec. 791 et seq.): prohibits discrimination on the basis of handicap in all federally assisted programs and activities. It requires that all recipients of federal funds analyze and make any needed changes in three general areas of operation: programs and activities, facilities, and employment. A Recipient is specifically defined to include sub recipients.

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AGrantees that provide health... services should undertake tasks such as ensuring emergency treatment for the hearing impaired and making certain that persons with impaired sensory or speaking skills are not denied effective notice with regard to benefits, services, and waivers of rights or consents to treatments.@

THE ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal and/or State financial assistance extended after the date hereon to the Applicant by the State of Maryland, Department of Health and Mental Hygiene, including installment payments after such date on account of applications for Federal and/or State financial assistance which were approved before such date. The Applicant recognizes and agrees that such Federal and/or State financial assistance will be extended in reliance on the representations and agreements made in this assurance, and that the United States and/or State of Maryland shall have the right to seek judicial enforcement of this assurance. The assurance is binding on the Applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Applicant.

The recipient: (Check (a) or (b))

- a. ☐ employs fewer than fifteen persons;
- b. ☐ employs fifteen or more persons and has designated the following person(s) to coordinate its efforts to comply with these DHHS regulations for Section 504.

Name of Designee(s) - Type or Print

Date: _____
(Applicant)

By: _____
(President, Chairman of Board, or comparable authorized official)

(Applicant-s Mailing Address)

Grant Title: _____ **Grant Number:** _____

Signature of Official: _____

